

JS 44 (Rev. 12/07) (cand rev 1-16-08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

**I. (a) PLAINTIFFS**

JON GILBERT

**DEFENDANTS**

TARGET CORPORATION, and Does 1-20, inclusive

(b) County of Residence of First Listed Plaintiff SAN MATEO  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Donald L. Galine, Esq. (#083452), Law Offices of Donald L. Galine, 411 Borel Avenue, Ste. 500, San Mateo, CA 94402 (650) 345-8484 phone, (650) 345-9875 fax

Attorneys (If Known)

Gail C. Trabish, Esq. (#103482), Boornazian, Jensen & Garthe, 555 12th Street, Ste. 1800, P.O. Box 12925, Oakland, CA 94604-2925, (510) 834-4350 phone, (510) 839-1897 fax

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☒ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 690 Other	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>LABOR</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 190 Other Contract		<b>Habeas Corpus:</b>	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions	
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RS1 (405(g))	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations		<b>IMMIGRATION</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other		<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes	
	<input type="checkbox"/> 440 Other Civil Rights					

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened
- Transferred from ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 1441(b) and 28 USC 1332

Brief description of cause:  
Premises Liability

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)**

(PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

March 13, 2008



GAIL C. TRABISH, ESQ. (#103482)  
BOORNAZIAN, JENSEN & GARTHE  
A Professional Corporation  
555 12<sup>th</sup> Street, Suite 1800  
P. O. Box 12925  
Oakland, CA 94604-2925  
Telephone: (510) 834-4350  
Facsimile: (510) 839-1897

Attorneys for Defendant  
TARGET STORES, a division  
of Target Corporation, erroneously  
sued herein as Target Corporation

E-filing

03/13/08 PM 1:26  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JON GILBERT,

Plaintiff,

vs.

TARGET CORPORATION, and Does 1-20,  
inclusive,

Defendants.

Case No.:

1438

[San Mateo County Superior Court Case  
No.: CIV 469587]

**PETITION FOR REMOVAL OF  
ACTION PURSUANT TO 28 U.S.C.  
§1441(b) [DIVERSITY]**

Complaint Filed: January 25, 2008

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant TARGET STORES, a division of Target Corporation (hereinafter "Target"), erroneously sued herein as Target Corporation, hereby moves to this Court the state court action described below.

**I. JURISDICTION**

1. Defendant TARGET is informed and believes that plaintiff Jon Gilbert is a citizen of the State of California, and was at the time of the filing of the complaint and this Petition for Removal.

2. Defendant TARGET is a Minnesota corporation, whose principal place of business is in Roseville, Minnesota.

1           3.     TARGET is a publicly held corporation whose Chairman and Chief Executive  
2 Officer is Bob Ulrich.

3           4.     Defendant TARGET is not a citizen of the state in which this action is pending.

4           5.     The matter in controversy exceeds the sum of \$75,000, exclusive of interest,  
5 attorney's fees and costs.

6           6.     The Court has jurisdiction by virtue of 28 U.S.C. §1332 and 28 U.S.C. §1441(b).

7  
8                               **II.     GROUNDS FOR REMOVAL**

9           7.     On January 25, 2008, a civil action was commenced in the Santa Mateo County  
10 Superior Court, Unlimited Jurisdiction, of the State of California, entitled *Jon Gilbert v. Target*  
11 *Corporation, and Does 1-20, inclusive*, Action No. CIV 469587. In said complaint, plaintiff  
12 alleges damages arising out of a slip and fall incident outside the Target store in San Mateo,  
13 California. A true and correct copy of the summons and complaint is attached hereto and marked  
14 as **Exhibit A**.

15  
16           8.     Defendant TARGET was served with a copy of said Complaint on February 14,  
17 2008. A true and correct copy of the Proof of Service is attached hereto and marked as **Exhibit B**.

18           9.     Defendant TARGET is concurrently filing its answer to plaintiff's complaint  
19 herewith.

20           10.    This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332, and  
21 the complaint is one which may be removed to this Court by Defendant TARGET pursuant to the  
22 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states, and  
23 the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

24 ///

25 ///

26 ///

27 ///

28 ///

1 Based on the foregoing, Defendant TARGET respectfully requests that this Court accept  
2 removal of this action.

3 DATED: March 13, 2008

BOORNAZIAN, JENSEN & GARTHE  
A Professional Corporation

By: \_\_\_\_\_



GAIL C. TRABISH, ESQ.

Attorneys for Defendant

TARGET STORES, a division of  
Target Corporation, erroneously sued  
herein as Target Corporation

9 GCT01\427976

**SUMMONS**  
**(CITACION JUDICIAL)**

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

CAPTION SUPPLEMENT, AND DATA TO 20.

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTA DEMANDANDO EL DEMANDANTE):  
JOHN GILBERT

**ENDORSED FILED**  
**SAN MATEO COUNTY**

JAN 25 2008

Clerk of the Superior Court  
By R. Montgomery  
**DEPUTY CLERK**

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp-espanol](http://www.courtinfo.ca.gov/selfhelp-espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp-espanol](http://www.courtinfo.ca.gov/selfhelp-espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is:  
(El nombre y dirección de la corte es):  
San Mateo County Superior Court

CASE NUMBER  
(Número del caso) **CIV 4 69587**

400 County Center

Redwood City, CA 94063

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
DONALD L. GALINE  
411 Borel Avenue, Suite 300  
650-345-8464  
Law Offices of Donald L. Geline  
San Mateo, CA 94402

DATE: **JAN 25 2008**  
(Fecha)

**JOHN C. FITTON**

Clerk, by  
(Secretario)

**MONTGOMERY**

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1 ☐ as an individual defendant  
2 ☐ as the person sued under the fictitious name of (specify):

3 ☒ on behalf of (specify):

- ☒ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)  
☐ other (specify):

4 ☐ by personal delivery on (date)

*Target Corporation*

- ☐ CCP 416.60 (minor)  
☐ CCP 416.70 (conservatee)  
☐ CCP 416.90 (authorized person)

Page 1 of 1

SUMMONS

Code of Civil Procedure § 412.21, 497

**EXHIBIT A**

**ENDORSED FILED**  
**SAN MATEO COUNTY**

JAN 25 2008

Clerk of the Superior Court  
By R. Montgomery  
DEPUTY CLERK

CASE NUMBER

**CIV** 4 6 9 5 8 7

- ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3

SHORT TITLE

GILBERT V. LARUEL CORPORATION

4 ☐ Plaintiff (name)

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5 Each defendant named above is a natural person

a ☒ except defendant (name)

LARUEL CORPORATION

(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe)(4) ☐ a public entity (describe)(5) ☐ other (specify)c ☐ except defendant (name)(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe)(4) ☐ a public entity (describe)(5) ☐ other (specify)b ☐ except defendant (name)(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe)(4) ☐ a public entity (describe)(5) ☐ other (specify)d ☐ except defendant (name)(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe)(4) ☐ a public entity (describe)(5) ☐ other (specify)☐ Information about additional defendants who are not natural persons is contained in Attachment 5

6 The true names of defendants sued as Does are unknown to plaintiff

a ☒ Doe defendants (specify Doe numbers) 1 TO 20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b ☒ Doe defendants (specify Doe numbers) 1 TO 20 are persons whose capacities are unknown to plaintiff7 ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names)

8 This court is the proper court because

a ☐ at least one defendant now resides in its jurisdictional area.b ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional areac ☐ injury to person or damage to personal property occurred in its jurisdictional aread ☐ other (specify)9 ☒ Plaintiff is required to comply with a claims statute, anda ☒ has complied with applicable claims statutes, orb ☐ is excused from complying because (specify)

CASE TITLE

CASE NUMBER

SUBJECT: [REDACTED]

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached)

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
  - (2) ☐ punitive damages
- The amount of damages is (in cases for personal injury or wrongful death, you must check (1)).
- (1) ☒ according to proof
  - (2) ☐ in the amount of \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

PARAGRAPHS 1, 2, 3, 4, 5, 9, 10, 11, 13 AND 14 OF THIS COMPLAINT ARE FILED ON INFORMATION AND BELIEF. PARAGRAPHS PREM. 1-1, PREM 1-2 AND PREM 1-3 OF CAUSE OF ACTION 1 ARE FILED ON INFORMATION AND BELIEF. PARAGRAPHS 10-1 OF CAUSE OF ACTION 2 ARE FILED ON INFORMATION AND BELIEF.

Date: JANUARY 10, 2008

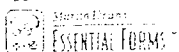
\_\_\_\_\_  
PLAINTIFF NAME

\_\_\_\_\_  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 Rev. 11/04/07

COMPLAINT-Personal Injury, Property  
Damage, Wrongful Death

Page 3 of 3





SHORT TITLE

GILBERT, JON - COMPLAINT

## CAUSE OF ACTION - Premises Liability

Page 8

CAUSE OF ACTION  
number

ATTACHMENT TO ☒ Complaint ☐ Cross Complaint  
(Use a separate cause of action form for each cause of action.)

Prem L-1 Plaintiff (name) JON GILBERT

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date) JUNE 16, 2006 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury)

PLAINTIFF, JON GILBERT, A BUSINESS INVITEE TO THE TARGET STORE LOCATED AT 2101 BRIDGEMONT PARKWAY, SAN MATEO, CA 94044, SLIPPED AND FELL ON A WET SUBSTANCE ON THE FLOOR AREA NEAR THE CASH REGISTER EXITS. THERE WERE NO WARNING SIGNS, CONES OR OTHER POSTED INDICATION THAT THE FLOOR WAS WET. FOLLOWING THE INCIDENT, A FEMALE TARGET EMPLOYEE INFORMED PLAINTIFF THAT THE WET ANKLE OF THE WET SUBSTANCE ON THE FLOOR PRIOR TO HIS FALL BUT HAD NO MATERIAL AND SLIPS IN THE AREA. IT MADE ANY EFFORT TO CLEAN THE SUBSTANCE UP THE FLOOR PRIOR TO THE FALL.

Prem L-2 ☒ Count One-Negligence The defendants who negligently owned, maintained, managed and operated the described premises were (names):  
TARGET CORPORATION

☒ Does \_\_\_\_\_ to \_\_\_\_\_

Prem L-3 ☐ Count Two-Willful Failure to Warn [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_Plaintiff is recreational user, was ☐ an invited guest ☐ a paying guest.

Prem L-4 ☐ Count Three-Dangerous Condition of Public Property The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

a ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b ☐ The condition was created by employees of the defendant public entity

Prem L-5 a ☐ Allegations about Other Defendants The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
DOE J

☒ Does \_\_\_\_\_ to \_\_\_\_\_

b ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are:  
☐ described in attachment Prem L-5 b ☒ as follows (names):  
DOES J, K, L, M

SHORT TITLE

FILE NUMBER

GILBERT V. TARGET CORPORATION

## CAUSE OF ACTION- General Negligence Page 5

(number)

ATTACHMENT TO ☐ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1 Plaintiff (name): JON GILBERT

alleges that defendant (name): TARGET CORPORATION

☒ Does 1. to 2.

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date) JUNE 26, 2006

at (place) TARGET STORE, 2120 BRIDGEWATE PARKWAY, SAN MATEO, CA 94404

(description of reasons for liability)

PLAINTIFF, JON GILBERT, A BUSINESS INVITEE TO THE TARGET STORE LOCATED AT 2120 BRIDGEWATE PARKWAY, SAN MATEO, CA 94404, SLIPPED AND FELL ON A WET SUBSTANCE ON THE FLOOR AREA NEAR THE CASH REGISTER EXITS. THERE WERE NO WARNING SIGNS, CONES OR OTHER POSTED INDICATION THAT THE FLOOR WAS WET. FOLLOWING THE INCIDENT, A FEMALE TARGET EMPLOYEE INFORMED PLAINTIFF THAT SHE WAS AWARE OF THE WET SUBSTANCE ON THE FLOOR PRIOR TO HIS FALL BUT HAD NOT PLACED ANY SIGNS IN THE AREA OR MADE ANY EFFORT TO CLEAN THE SUBSTANCE OFF THE FLOOR PRIOR TO THE FALL.

DEFENDANT, BY AND THROUGH THE ACTIONS OF ITS EMPLOYEES, HAD KNOWLEDGE OF THE DANGEROUS AND WET CONDITION OF THE FLOOR AREA WHERE PLAINTIFF FELL, PRIOR TO THE TIME WHEN PLAINTIFF FELL AND FAILED TO TAKE ADEQUATE PRECAUTIONS TO WARN INVITEES, INCLUDING PLAINTIFF, OF THE DANGEROUS CONDITION OF THE FLOOR AND FURTHER FAILED TO PROMPTLY CLEAN THE AREA OF THE WET AND DANGEROUS CONDITION DESPITE HAVING KNOWLEDGE OF THE CONDITION.

Page 1 of 1

CT CORPORATION  
A Wal-Mart Stores Company

Service of Process  
Transmittal

02/13/2008

CT Log Number 513083260



TO: Carter Leuty  
Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403

RE: Process Served in California

FOR: Target Corporation (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Jon Gilbert, Plff vs Target Corporation, et al., Dfts

DOCUMENT(S) SERVED: Summons, Complaint, Notice of Case Management Conference, Statement Form, Information Sheet, Stipulation and Order Form, Attachment(s), Request for Courtcall, Telephonic Appearance Form, Statement of Damages, Cover Sheet

COURT/AGENCY: San Mateo County-Redwood City, Superior Court, CA  
Case # CIV469587

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - On June 26, 2006

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 02/12/2008 at 15:05

APPEARANCE OR ANSWER DUE: Within 30 days after service - file written response + 6/6/06 at 9:00 a.m. - Case Management Conference

ATTORNEY(S) / SENDER(S): Donald L. Galine  
Law Offices of Donald L. Galine  
411 Borel Avenue  
Suite 500  
San Mateo, CA 94402  
650-345-8484

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex Standard Overnight - 790938529400

SIGNED: C T Corporation System  
PER: Nancy Flores  
ADDRESS: 818 West Seventh Street  
Los Angeles, CA 90017  
TELEPHONE: 213-337-4615

2/14/08 12:30  
FedEx  
2/14/08 12:30  
Seo, Wick D. ROYAL

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EXHIBIT B

03/04/2008

**CERTIFICATE OF SERVICE**  
**(28 U.S.C. §1746)**

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.


I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **PETITION FOR REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §1441(b) [DIVERSITY]; CIVIL CASE COVER SHEET**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

Donald L. Galine, Esq.  
Law Offices of Donald L. Galine  
411 Borel Avenue, Ste. 500  
San Mateo, CA 94402  
(650) 345-8484 Phone  
(650) 345-9875 Fax

**Attorneys for Plaintiff**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on March 13, 2008.

  
\_\_\_\_\_  
Alexine L. Braun

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